

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
COLUMBIA DIVISION**

UNITED STATES OF AMERICA

V.

JEFFREY ALAN BENJAMIN,

Defendant.

Case No. 3:21-cr-00525-MGL

**GOVERNMENT’S OPPOSITION TO DEFENDANT’S  
MOTION FOR RECONSIDERATION**

The United States of America, by and through its undersigned counsel, respectfully submits its Opposition to Defendant’s Motion for Reconsideration of Order Denying Defendant’s Motion to Compel. Defendant claims he is entitled to relief and the production of agent notes because—as he describes it—the Court made “factual findings about Agent Hawkins’ notes” during its February 22, 2023, hearing and specifically “found that they do not mention Mr. Roderick believing that he had been ‘lied to’ by Mr. Benjamin.” Dkt. No. 139 at 1–2. The Court did no such thing; the Motion for Reconsideration should be denied.

At the February hearing, the Court remarked on the legibility of the agent notes that it had reviewed *in camera*, but the Court confirmed that it nevertheless “did go through” the notes and denied Defendant’s motion because the concerns he had raised were unsupported. *See* Tr. of Feb. 22, 2023, Hrg. at 3:24–4:03 (“But we did go through, and where it was possible to figure out what the agent was writing -- again, there was no -- none of the information that you were concerned about being there. So as far as that motion is concerned, I’m going to deny that motion.”) Contrary to Defendant’s newest assertions in the instant Motion for Reconsideration, the Court did not make

a factual finding that the notes were inconsistent with the 302. In fact, the Court specifically clarified that it was not adopting Defendant's version of events on that point. *See id.* at 17:07–16.

The Court's denial of Defendant's Motion to Compel does not, as he claims, "deprive [him] of his due process rights." Dkt. No. 139 at 1. In short, and as the Court has affirmed, Defendant is not entitled to the material that he seeks. Moreover, as the United States has repeatedly confirmed, Defendant is simply wrong in his assertion that he has identified a conflict between the agent notes and the Roderick 302. From the Court's explanation that it "did not see" a particular statement, *see* Tr. at 5:1-3, Defendant concludes that the notes contradict the 302 and "do not reflect" that Benjamin "lied" to Mr. Roderick. Dkt. No 139 at 2. Again, that was not the Court's ruling, but Defendant is mistaken regardless.

So that the Court may finally end this dispute, accompanying this filing, the United States respectfully re-submits a single page of the agent notes that were delivered to the Court previously, under seal and for renewed *in camera* review. The United States respectfully directs the Court's attention to the last two lines of handwriting on the page. Defendant's Motion for Reconsideration should be denied.

Respectfully submitted,

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